

### **REMARKS**

Claims 1-4, 6-27, and 29-42 are currently pending in the subject application and are presently under consideration. Claims 1-3, 6, 7, 9, 10, 12-19, 21, 24-26, 29, 30, 32-40 and 42 have been amended as shown on pp. 2-18 of the Reply.

Applicants' representative would like to point out that, where indicated, claims 1-3, 6, 7, 9, 10, 12-18, 21, 24-26, 29, 30, 32-39, and 42 have been amended by replacing the word "and" with the word "or." Such amendments are intended to be construed as "any one of or a sub-combination of." Moreover, claims 2, 7, 12, 19, 25, 35, 37, 39, 40, and 42 have been amended to correct typographical errors and/or minor claim informalities. Applicants' representative submits that no new matter was introduced as a result of any of the aforementioned amendments.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-4, 6-27, and 29-42 Under 35 U.S.C. §103(a)**

Claims 1-4, 6-27, and 29-42 stand rejected under 35 U.S.C. §103(a) over Plush et al. (U.S. Patent No. 6,532,282). Withdrawal of this rejection is requested for at least the following reasons. The cited reference fails to disclose or suggest all recited features of the subject claims.

The present invention relates generally to the management of unbilled usage units of one or more communication services. More particularly, one or more unbilled usage units can be utilized to offset a quantity units used in excess of a subscriber's allowed package plan units. In one aspect of the present invention, one or more package plan units not used by a subscriber during a current billing cycle can be rolled over to one or more subsequent billing cycles. In a similar manner, unused package plan units from one or more previous billing cycles can be rolled over to subsequent billing cycles. The quantity of unused package plan units, along with a subscriber identification, can be received and stored in one or more rollover data elements capable of being presented to one or more requesting entities. Notably, the unused package plan units can be converted from one billable unit type associated with a communication service to a different billable unit type associated with another communication service. To this end, independent claim 1, as amended, recites *receiving and storing rollover data elements, the rollover data elements include a subscriber identification and a balance of the rollover usage units available to offset an amount of overage units used in excess of an amount of package plan*

*usage units available to the subscriber for a current billing cycle, the balance of the rollover usage units available includes one or more unused and unexpired package plan usage units rolled over from at least one previous billing cycle; receiving a request from a requesting entity for the rollover data elements associated with the subscriber; presenting the rollover data elements for the subscriber identified in the request, the rollover data elements include the subscriber identification and the balance of the rollover usage units available to offset the amount of overage units used in the current billing cycle, **the balance of the rollover usage units measured in at least one of a plurality of billable units and available to be converted from a first billable unit type associated with a first communication service to a second billable unit type associated with a second communication service**, one or more of the rollover usage units expire after X billing cycles of being available to offset the amount of overage units used by the subscriber, and X comprises a predetermined number which varies depending on a package plan of the subscriber; and presenting the rollover data elements to at least one accounting system, the presented rollover data elements include the amount of rollover usage units accumulated during the current billing cycle, and in response to the rollover data elements being presented, the accounting system defers revenue associated with the amount of rollover usage units accumulated during the current billing cycle to one or more subsequent billing cycles until the rollover usage units at least one of become depleted or expire.*

Plush et al. relates generally to allocating and processing a subscriber's usage in a mobile communication system. To this end, call records can be maintained and subsequently analyzed to determine appropriate charges. More particularly, a subscriber can be associated with one or more predetermined allocations of usage. Each predetermined allocation of usage consists of a bundle of call time for which a subscriber's usage during a particular time period can be deducted from. In addition, predetermined criteria can be utilized to determine whether all or a portion of a subscriber's call should be billed at a first or second rate. Lastly, call time remaining in a subscriber's bundle at the end of a current time period, can be rolled over and thereby added to the subscriber's newly created bundle of call time for the upcoming time period.

It is asserted in the present Office Action that Plush et al. discloses or suggests all recited features of independent claim 1. Applicants' representative respectfully avers to the contrary. As previously discussed, one aspect of the present invention provides for the capability of converting one or more rollover usage units measured in a first billable unit type to a different

billable unit type. As such, a subscriber's rollover usage units can be utilized for more than one communication service. For instance, a balance of rollover usage units measured in a number of minutes can be converted into, among others, a number of text messages or kilobytes of data transmitted and/or received. The converted billable unit types can be utilized to offset associated overages. Conversely, Plush et al. merely discloses the utilization of one type of billable unit, namely minutes, for the purpose of rollover and is silent with respect to the capability of converting billable unit types for use between different communication services. As such, Plush et al. is silent as to *the balance of the rollover usage units measured in at least one of a plurality of billable units and available to be converted from a first billable unit type associated with a first communication service to a second billable unit type associated with a second communication service* as recited in independent claim 1.

Moreover, as previously discussed, one advantage of the present invention allows a user to use rollover usage units to offset overages in more than one communication service. As such, rollover usage minutes can, in effect, be shared amongst a user's communication services. Conversely, Plush et al. merely discloses the utilization of minutes for rollover purposes and therefore fails to provide similar advantages. Most notably, from at least the foregoing, it is apparent that a person of ordinary skill in the art would appreciate both the novelty and non-obviousness of converting rollover usage units measured in a first billable unit type to a different billable unit type for the purpose of sharing amongst communication services.

Furthermore, in addition to the foregoing deficiencies of Plush et al. with respect to independent claim 1, the subject reference fails to disclose or suggest all recited features of dependent claim 9. More specifically, another aspect of the present invention provides for storing previously unused usage units and adjusted rollover usage units in a rollover billing cycle bucket that represents the billing cycle in which the units were either earned or adjusted. As such, rollover usage units can be deducted from the oldest billing cycle bucket having a balance of unused and unexpired rollover usage units. Similarly, a further aspect of the present invention provides for deducting rollover usage units from the next oldest billing cycle bucket after the oldest has been depleted. To this end, dependent claim 9 recites *closing the billing cycle bucket for the current billing cycle; establishing a new billing cycle bucket for a next billing cycle; applying any rollover usage units and adjusted rollover usage units earned in the current billing cycle to the billing cycle bucket for the current billing cycle as the rollover usage units of the*

*billing cycle bucket for the current billing cycle; deducting the rollover usage units used to offset the overage units used in the current billing cycle from an oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired; and when the oldest rollover billing cycle bucket is depleted, deducting the rollover usage units used to offset the overage units used in the current billing cycle from a next oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired.* Conversely, as briefly discussed *supra*, Plush et al. merely discloses rating calls against an aggregation of minutes consisting of minutes from the current billing cycle and unused minutes from the previous billing cycle. Alternatively, calls can be rated against time remaining in the previous billing cycle before being rated against time remaining in the current billing cycle. However, when considering Plush et al. in its entirety and from at least the foregoing, it is apparent that the subject reference fails to disclose the aforementioned features of dependent claim 9. In fact, unlike dependent claim 9, Plush et al. is silent as to utilizing the age associated with one or more rollover usage units to determine deduction order. As such, the cited reference is silent as to *deducting the rollover usage units used to offset the overage units used in the current billing cycle from an oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired; and when the oldest rollover billing cycle bucket is depleted, deducting the rollover usage units used to offset the overage units used in the current billing cycle from a next oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired* as recited in dependent claim 9.

In view of at least the foregoing reasoning, it is apparent that Plush et al. fails to disclose or suggest every recited feature of independent claim 1 (and claims 2-4 and 6-23 that depend therefrom). Accordingly, withdrawal of this rejection is respectfully requested.

Moreover, independent claim 24, as amended, recites *a computer and at least one database operative to: receive and store one or more rollover data elements, ... receive a request from at least one requesting entity ... present the rollover data elements for the subscriber identified in the request, the rollover data elements include the subscriber identification and the balance of the rollover usage units available to offset the amount of overage units used in the current billing cycle, the balance of the rollover usage units is measured in at least one of a plurality of billable units and available to be converted from a first billable unit type associated with a first communication service to a second billable unit type associated with a second*

**communication service.** Under a rationale similar to that already discussed regarding independent claim 1, Plush et al. fails to disclose or suggest all recited features of independent claim 24.

Likewise, Plush et al. fails to disclose or suggest every feature recited in dependent claim 32. Claim 32 recites *the system is further operative to: close the billing cycle bucket for the current billing cycle; establish a new billing cycle bucket for a next billing cycle; apply any rollover usage units or adjusted rollover usage units earned in the current billing cycle to the billing cycle bucket for the current billing cycle as the rollover usage units of the billing cycle bucket for the current billing cycle; deduct the rollover usage units used to offset the overage units used in the current billing cycle from an oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired; or when the oldest rollover billing cycle bucket is depleted, deduct the rollover usage units used to offset the overage units used in the current billing cycle from a next oldest rollover billing cycle bucket still having a balance of rollover usage units that is unexpired.* For reasons similar to those already discussed regarding dependent claim 9, the cited reference fails to disclose the aforementioned features of dependent claim 32.

Therefore, in view of at least the foregoing, it is apparent that Plush et al. fails to disclose or suggest every feature recited in independent claim 24 (and claims 25-27 and 29-42 that depend therefrom). As such, applicants' representative respectfully requests that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document or the RCE filed herewith, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ATTWP280USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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